

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LOUIS A. LIBERTY,  
Plaintiff,

v.

NATIONAL AUTOMOBILE SAFETY  
COUNCIL, INC.,  
Defendant.

Case No. 22-cv-03990-SK

**ORDER TO SHOW CAUSE**

The Court HEREBY ORDERS Plaintiff TO SHOW CAUSE why this case should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). As shown by a review of the procedural history in this case, Plaintiff has failed to prosecute this case.

On November 21, 2022, a case management conference was held for this case. The only remaining defendant, National Automobile Safety Council, Inc. ("Defendant") failed to appear for the conference. (Dkt. No. 39.) The Court set a deadline of February 28, 2023 for Plaintiff to file a motion for default judgment. (*Id.*) Plaintiff never filed a motion for default.

On November 30, 2022, the Court issued an order setting a further case management conference for March 6, 2023. The Court required parties to file a case management statement by February 27, 2023. Parties did not file a case management statement. The Court sent a reminder on March 1, 2023 regarding the deadline to file a motion for default and the case management statement. (Dkt. No. 42.) Neither party appeared during the case management conference held on March 6, 2023. (Dkt. No. 43.)

Additionally, the Court notes that Defendant has legally changed its name to CarBack.com Inc. (Dkt. No. 41.) Counsel for Defendant has stated Defendant was unable to participate in earlier stages of litigation due to Defendant's forfeited status and due to the fact Plaintiff had

1 registered a company under the former name. (Dkt. Nos. 38, 41.) Plaintiff has not amended the  
2 Complaint to reflect Defendant's current name.

3 Plaintiff shall file a written response to this Order to Show Cause by no later than March  
4 13, 2023. Plaintiff is admonished that, if he fails to file a response to this Order to Show Cause by  
5 March 13, 2023, the Court will reassign this matter and issue a report and recommendation that  
6 this matter be dismissed for failure to prosecute without any further notice.

7 **IT IS SO ORDERED.**

8 Dated: March 6, 2023

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11 SALLIE KIM  
12 United States Magistrate Judge  
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